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			EXAMINER	
			DIVECHA, KAMAL B	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/814,426

Applicant(s)

DEBRUINE ET AL.

Examiner

KAMAL B. DIVECHA

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Claims 1-47 are pending in this application.

Re-opening Prosecution

In view of the Appeal Brief filed on July 30, 2007, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Examiner's Comments

During patent examination, the pending claims must be "given >their< broadest reasonable interpretation consistent with the specification." > In re Hyatt, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

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Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969).

Because the claims are given it's broadest interpretation, the limitations cited in the claims can be interpreted in several ways. The examiner is entitled to provide multiple art rejection based upon MPEP 706.2 section I: Choice of Prior Art; Best Available.

As such, this office action contains Multiple Art Rejections.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 3-47 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3, 5 recites the term "other nodes". It is unclear which one of the plurality of nodes the claim is referring to.

Claim 3, 5 recites "the public network" in the claim. There is insufficient antecedent basis for this limitation in the claim.

Claims 4, 16, 28, 39 recites "the method of claim 3, wherein step (a) further includes the step of determining that NAT has been performed on a particular node when the node's client IP address does not match the node's peer IP address".

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However, the specification suggests the opposite, i.e. "...if the peer ip address does match the client IP address, then the entry for the client node in the node registry is set to indicate that both NAT has been performed on the client node and that the client node is unreachable..." (Specification, pg. 9 lines 12-17).

As such, the scope of claim 4 is unascertainable because the specification fails to disclose or suggest the feature.

Claim 4, 5 recites, "the node's client IP address" and "the node's peer IP address" in the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites "the node" in the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim 9 recites "the peer Ids" and "the subnet Ids" in the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim 11 recites "the search results" in the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim 13 recites "the public network" and "the server" in the claim. There is insufficient antecedent basis for this limitation in the claim.

Claims 14-47 are rejected for the one or more reasons as set forth above.

Also note that the listing above is intended to be exemplary. The claims in the present application contains substantial amount of 35 U.S.C. 112, second paragraph errors, and, it is the applicant responsibility to find and correct them in response to this office action.

Claim Interpretation and 35 USC § 101

Claims 25-36 recites “a computer readable medium containing program instructions...”.

Since the specification fails to disclose and/or define the “computer-readable medium”, the medium as in the claims is interpreted as to include computer-readable storage medium such as CD-Rs, Hard disks, RAM, ROM, etc.

Applicant is also suggested to include a positive recitation with respect to executing the program instructions in the claim, which will enable the claim to produce useful, concrete and tangible results.

For example: “...the program instructions, which when executed, performs the following steps...”, followed by the step “receiving, determining, determining, and sending”.

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ART REJECTION I:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 1-7, 9, 13-19, 21, 25-31, 33 and 37-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Teodosiu et al. (hereinafter Teodosiu, US 2002/0062336 A1) in view of Araujo (US 6,393,488 B1).

As per claim 1, Teodosiu discloses a method for optimizing private network file transfers in a peer-to-peer public network, the peer-to-peer public network including a server and a plurality of nodes, wherein at least two of the plurality of nodes are part of the same private network (fig. 1 and pg. 9 [0124]), the method comprising the steps of:

(a) receiving by the server a search request from a first node of the plurality of nodes in the peer-to-peer public network for a file (fig. 2 item #210, fig. 4 item #410, pg. 4 [0045]) ;

(b) determining by the server that the file is stored on a second node of the plurality of nodes in the peer-to-peer network (fig. 2 item #240, fig. 4 item #430, pg. 4 [0047-0049]); and

(d) sending instructions by the server to the first node to request the file from the second node, such that the second node transfers the file to the first node over the private network (fig. 4 item #460, 425, pg. 3 [0035-0037], pg. 4 [0045-0053], pg. 6 [0077-0081]).

However, Teodosiu does not disclose the process of (c) determining by the server that the first and second nodes are part of the same private network.

Araujo discloses the process of determining by the server if the first device is included in the same LAN, i.e. same private network, as the second device (fig. 5 item #511, col. 7 L13-65).

Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Teodosiu in view of Araujo in order to determine whether the first and second node are part of the same private network.

One of ordinary skill in the art would have been motivated because it would have resolved the client's request locally (Araujo: col. 7 L13-41: by returning the IP address of the local node).

As per claim 2, Teodosiu in view of Araujo discloses the process of registering a client IP address, a subnet mask, and a peer IP address of both the first and second node with the server (Araujo: col. 5 L41-67, fig. 4, col. 6 L34 to col. 7 L13: a mapping table including client local IP address and global IP address, i.e. Peer IP address; a subnet mask is usually associated with an IP address, see fig 5 item #514, 515).

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As per claim 3, Teodosiu in view of Araujo discloses the process of registering with the server whether the network address translation has been performed on the first and second nodes and whether the first and second nodes are directly reachable from other nodes on the public network or unreachable (Araujo: col. 5 L41-67, col. 6 L34 to col. 7 L65: a mapping table indicates whether the translation is performed or not and/or whether the nodes are reachable or not).

As per claim 4, Teodosiu in view of Araujo discloses the process of determining that NAT has been performed on a particular node when the nodes client IP address does not match the nodes peer IP address (Araujo: col. 6 L34 to col. 7 L65: If the client IP address is different than global IP address, then logically, the two different addresses for a client device suggests the usage of NAT).

As per claim 5, Teodosiu in view of Araujo discloses the process of determining that a particular node is directly reachable from other nodes on the public network when the server can connect with the node using the node's client IP address (Araujo: col. 6 L34 to col. 7 L65, col. 8 L24 to col. 9 L45: nodes are directly reachable if the NAT determines no translation is required).

As per claim 6, Teodosiu in view of Araujo discloses the process of storing the client IP address, a subnet mask, and a peer IP address of both the first and second nodes in a node registry (Araujo: col. 5 L41-67, fig. 4, col. 6 L34 to col. 7 L13: a mapping table including client local IP address and global IP address, i.e. Peer IP address; a subnet mask is usually associated with an IP address).

As per claim 7, Teodosiu discloses the process further including the process of allowing a user of the first node to enter search terms for finding a particular file (pg. 4 [0045]: a peer device enters the resource request, i.e. search request, [0053]).

As per claim 9, Teodosiu in view of Araujo discloses the process of determining that the second node is part of the same private network as the first node, and therefore locally reachable by the first node, when the NAT has not been performed on either the first and second nodes and the subnet Ids of each first and second nodes match (Araujo: fig. 5 item #514, col. 7 L13-65).

As per claims 13-19, 21, 25-31, 33 and 37-40, they do not teach or further define over the limitations in claims 1-7 and 9. Therefore claims 13-19, 21, 25-31, 33 and 37-40 are rejected for the same reasons as set forth in claims 1-7 and 9.

3. Claims 8, 10, 12, 20, 22, 24, 32, 34, 36, 41 and 43-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Teodosiu et al. (hereinafter Teodosiu, US 2002/0062336 A1) in view of Araujo (US 6,393,488 B1), and further in view of Dutta et al. (hereinafter Dutta, US 6,636,854 B2).

As per claim 8, Teodosiu and Araujo does not disclose the process further including the process of querying a database containing file names with the search terms to find the file names matching the search terms, and identifying nodes containing the matching file, including the second node.

Dutta explicitly discloses the process including the process of querying a database containing file names with the search terms to find the file names matching the search terms, and

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identifying nodes containing the matching file, including the second node (fig. 5A, fig. 5c, fig. 6A step #608, col. 7 L15 to col. 8 L15, col. 8 L59 to col. 9 L56).

Therefore it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Teodosiu and Araujo in view of Dutta in order to querying a database containing file names with the search terms to find the file names matching the search terms, and identifying nodes containing the matching file, including the second node.

One of ordinary skilled in the art would have been motivated because it would have enabled the server to search and present the results associated with the search item (Dutta: col. 9 L9-67).

As per claim 10, Teodosiu and Araujo does not disclose the process of returning a list of search results from the server to the first node, where the list includes the identities and addresses of the matching nodes, IP addresses and subnet masks.

Dutta discloses the process of returning a list of search results from the server to the first node including the addresses of the matching nodes (fig. 5A, fig. 5c, fig. 6A step #608, col. 7 L15 to col. 8 L44, col. 8 L59 to col. 9 L56: URLs are associated with IP addresses and IP addresses are associated with subnet masks, col. 10 L35-45).

Therefore it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Teodosiu and Araujo in view of Dutta in order to return a list of search results from the server to the first node, where the list includes the identities and addresses of the matching nodes, IP addresses and subnet masks.

One of ordinary skilled in the art would have been motivated so that the user can retrieve the document or the file associated with the search hit (Dutta: col. 9 L32-67).

As per claim 12, Teodosiu in view of Araujo does not disclose the process of sending the client IP address of the second node to the first node such that the first node sends request for the file to the second node using the client IP address of the second node and sending the file from the second node to the first node using the client IP address of the first node.

Dutta discloses the process of sending the client IP address of the second node to the first node such that the first node sends request for the file to the second node using the client IP address of the second node and sending the file from the second node to the first node using the client IP address of the first node (col. 5 L10-63, col. 6 L13 to col. 7 L29).

Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Teodosiu and Araujo in view of Dutta in order to sending the client IP address of the second node to the first node such that the first node sends request for the file to the second node using the client IP address of the second node and sending the file from the second node to the first node using the client IP address of the first node.

One of ordinary skill in the art would have been motivated so that the client can retrieve the file from the other node (Dutta: col. 6 L57-67).

As per claims 22, 24, 32, 34, 36, 41 and 43-47, they do not teach or further define over the limitations in claims 8, 10 and 12. Therefore, claims 22, 24, 32, 34, 36, 41 and 43-47 are rejected for the same reasons as set forth in claims 8, 10 and 12.

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4. Claims 11, 23, 35 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Teodosiu et al. (hereinafter Teodosiu, US 2002/0062336 A1) in view of Araujo (US 6,393,488 B1), further in view of Dutta et al. (hereinafter Dutta, US 6,636,854 B2), and further in view of Lopke (hereinafter Lopke, US 6,553,310 B1).

As per claim 11, Teodosiu, Araujo in view of Dutta does not disclose the process of sorting the search results by locally reachable nodes followed by the directly reachable nodes.

Lopke discloses the process of sorting the information servers based on its location and/or proximity (col. 3 L25-46).

Therefore it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Teodosiu, Araujo and Dutta in view of Lopke in order to sort the results by locally reachable nodes followed by the directly reachable nodes.

One of ordinary skilled in the art would have been motivated because it would have notified the requestor of the closest node capable of satisfying the request.

As per claims 23, 35 and 42, they do not teach or further define over the limitations in claim 11. Therefore, claims 23, 35 and 42 are rejected for the same reasons as set forth in claim 11.

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ART REJECTION II:

5. Claims 1, 7, 8, 13, 19, 20, 25, 31 and 44-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dutta et al. (hereinafter Dutta, US 6,636,854 B2) in view of Yau et al. (hereinafter Yau, US 2002/0066026 A1).

As per claim 1, Dutta discloses a peer-to-peer public network including a server and a plurality of nodes, wherein at least two of the plurality of nodes are part of the same private network, the method comprising the steps of:

(a) receiving by the server a search request from a first node of the plurality of nodes in the peer-to-peer public network for a file (col. 5 L10-63, col. 6 L13 to col. 7 L29: Gnutella peer to peer network);

(b) determining by the server that the file is stored on a second node of the plurality of nodes in the peer-to-peer network (col. 5 L10-63, col. 6 L13 to col. 7 L29: determining a node having the file); and

(d) sending instructions by the server to the first node to request the file from the second node, such that the second node transfers the file to the first node (col. 5 L10-63, col. 6 L13 to col. 7 L29: sending the address for the node having the file).

However, Dutta does not disclose the process of (c) determining by the server that the first and second nodes are part of the same private network.

Yau discloses the process of optimizing private network file transfers and the process of determining by the server that the first and second nodes are part of the same private network and the process of sending instructions by the server to the first node to request the file from the second node, such that the second node transfers the file to the first node over the private

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network (pg. 2 [0018-0019], fig. 2: private network protected by firewall, pg. 5 [0067], [0070-0074] and pg. 3 [0042]).

Therefore it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Dutta in view of Yau in order to determine whether the first and second node are part of the same private network.

One of ordinary skilled in the art would have been motivated because it allows the system to take advantage of the higher speeds usually achieved by subnets and to aid in the ability to propagate data throughout subnets (Yau: pg. 5 [0072], [0067], pg. 2 [0018-0019]).

As per claim 7, Dutta discloses the process of allowing a user of the first node to enter search terms for finding a particular file (col. 5 L10-63, col. 6 L13-65).

As per claim 8, Dutta discloses the process of querying a database containing file names with the search terms to find file names matching the search terms, and identifying nodes containing the matching file, including the second node (col. 5 L10-63, col. 6 L13-65).

As per claims 13, 19, 20, 25, 31 and 44-46, they do not teach or further define over the limitations in claims 1, 7 and 8. Therefore claims 13, 19, 20, 25, 31 and 44-46 are rejected for the same reasons as set forth in claims 1, 7 and 8.

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6. Claims 2, 6, 14, 26, 30 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dutta et al. (hereinafter Dutta, US 6,636,854 B2) in view of Yau et al. (hereinafter Yau, US 2002/0066026 A1), and further in view of Oguchi et al. (hereinafter Oguchi, US 6,304,912 B1).

As per claim 2, Dutta in view of Yau discloses the process of registering a client IP address and a Peer IP address of both the first and second nodes with the server (Dutta: col. 8 L15-54: note peer ip address may simply be client ip address).

However, Dutta in view of Yau does not disclose registering, i.e. storing, a subnet mask of both the first and second nodes.

Oguchi teaches the process of storing subnet mask of the nodes (fig. 3B item #s21, fig. 13-15, col. 8 L47-67).

Therefore it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Dutta and Yau in view of Oguchi in order to register the subnet mask of the nodes.

One of ordinary skilled in the art would have been motivated because subnet mask indicates which portion of the network-layer address of the one of the at least one second communication apparatus indicates the one of the plurality of subnetworks to which the one of the at least one second communication apparatus belongs (Oguchi: col. 8 L47-67).

As per claims 6, 14, 26, 30 and 32, they do not teach or further define over the limitations in claim 2. Therefore claims 6, 14, 26, 30 and 32 are rejected for the same reasons as set forth in claim 2.

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7. Claims 3-5, 9-10, 12, 15-18, 21-22, 24, 27- 29 and 33-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dutta et al. (hereinafter Dutta, US 6,636,854 B2) in view of Yau et al. (hereinafter Yau, US 2002/0066026 A1), further in view of Oguchi et al. (hereinafter Oguchi, US 6,304,912 B1), and further in view of Araujo (US 6,393,488 B1).

As per claim 3, Dutta, Yau and Oguchi does not disclose the process of registering with the server whether the network address translation has been performed on the first and second nodes and whether the first and second nodes are directly reachable from other nodes on the public network or unreachable.

Araujo discloses the process of registering with the server whether the network address translation has been performed on the first and second nodes and whether the first and second nodes are directly reachable from other nodes on the public network or unreachable (Araujo: col. 5 L41-67, col. 6 L34 to col. 7 L65: a mapping table indicates whether the translation is performed or not and/or whether the nodes are reachable or not based on the local and global IP addresses).

Therefore it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Dutta, Yau and Oguchi in view of Araujo in order to register with the server of the reachability information of the nodes.

One of ordinary skilled in the art would have been motivated because it would have indicated whether the nodes are reachable through local or global IP address and/or it would have enabled the communication between the LAN and the Internet (Araujo: col. 6 L46 to col. 7 L13, col. 1 L21-30).

As per claim 4, Dutta, Yau, Oguchi in view of Araujo discloses the process of determining that NAT has been performed on a particular node when the nodes client IP address does not match the nodes peer IP address (Araujo: col. 6 L34 to col. 7 L65: If the client IP address is different than global IP address, then logically, it implies the presence and usage of the NAT service).

As per claim 5, Dutta, Yau, Oguchi in view of Araujo discloses the process of determining that a particular node is directly reachable from other nodes on the public network when the server can connect with the node using the node's client IP address (Yau: pg. 5 [0069-0075], pg. 3 [0042]: uses the client IP address to communicate with public network logically implies that the nodes are directly reachable from public network; Araujo: col. 6 L34 to col. 7 L65, col. 8 L24 to col. 9 L45: nodes are directly reachable if the NAT determines no translation is required).

As per claim 9, Dutta, Yau, Oguchi in view of Araujo discloses the process of determining that the second node is part of the same private network as the first node, and therefore locally reachable by the first node, when the NAT has not been performed on either the first and second nodes and the subnet Ids of each first and second nodes match (Araujo: fig. 5 item #514, col. 7 L13-65; Yau: pg. 5 [0069-0074]: NAT is not performed, and matching the subnet id by comparing the IP address of nodes).

As per claim 10, Dutta discloses the process of returning a list of search results from the server to the first node including the addresses of the matching nodes (fig. 5A, fig. 5c, fig. 6A step #608, col. 7 L15 to col. 8 L44, col. 8 L59 to col. 9 L56: URLS are associated with IP addresses and IP addresses are associated with subnet masks, col. 10 L35-45).

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As per claim 12, Dutta discloses the process of sending the client IP address of the second node to the first node such that the first node sends request for the file to the second node using the client IP address of the second node and sending the file from the second node to the first node using the client IP address of the first node (Dutta: col. 5 L10-63, col. 6 L13 to col. 7 L29; Yau: pg. 5 [0069-0074] and pg. 3 [0042]).

As per claims 15-18, 21-22, 24, 27- 29 and 33-36, they do not teach or further define over the limitations in claims 3-5, 9 and 12. Therefore claims 15-18, 21-22, 24, 27- 29 and 33-36 are rejected for the same reasons as set forth in claims 3-5, 9 and 12.

8. Claims 11, 23 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dutta et al. (hereinafter Dutta, US 6,636,854 B2) in view of Yau et al. (hereinafter Yau, US 2002/0066026 A1), further in view of Oguchi et al. (hereinafter Oguchi, US 6,304,912 B1), further in view of Araujo (US 6,393,488 B1), and further in view of Lopke (US 6,553,310 B1).

As per claim 11, Dutta, Yau, Oguchi and Araujo does not disclose the process of sorting the search results by locally reachable nodes followed by the directly reachable nodes.

Lopke discloses the process of sorting the information servers based on its location and/or proximity (col. 3 L25-46).

Therefore it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Dutta, Yau, Oguchi, Araujo in view of Lopke in order to sort the results by locally reachable nodes followed by the directly reachable nodes.

One of ordinary skilled in the art would have been motivated because it would have notified the requestor of the closest node capable of satisfying the request.

As per claims 23 and 35, they do not teach or further define over the limitations in claim 11. Therefore, claims 23 and 35 are rejected for the same reasons as set forth in claim 11.

9. Claims 37 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dutta et al. (hereinafter Dutta, US 6,636,854 B2) in view of Yau et al. (hereinafter Yau, US 2002/0066026 A1), and further in view of Araujo (US 6,393,488 B1).

As per claim 37, it does not teach or further define over the limitations in claims 1, 3 and 9. Therefore claim 37 is rejected for the same reasons as in claims 1, 3 and 9.

As per claim 47, Dutta explicitly discloses the process of receiving by the server the search request from the first node including at least one search item identifying the file and the process of querying a database relating each one of a number of files including the file and at least one of the plurality of nodes in the peer to peer public network storing the one of the number of files using the at least one search term to identify at least one of the plurality of nodes including the second node storing the file (fig. 5A, fig. 5c, fig. 6A step #608, col. 7 L15 to col. 8 L15, col. 8 L59 to col. 9 L56).

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10. Claims 38-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dutta et al. (hereinafter Dutta, US 6,636,854 B2) in view of Yau et al. (hereinafter Yau, US 2002/0066026 A1), further in view of Araujo (US 6,393,488 B1), and further in view of Oguchi et al. (hereinafter Oguchi, US 6,304,912 B1).

As per claims 38-41, they do not teach or further define over the limitations in claims 2, 4, 5 and 10, respectively. Therefore claims 38-41 are rejected for the same reasons as set forth in claims 2, 4, 5 and 10, respectively.

11. Claims 42 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dutta et al. (hereinafter Dutta, US 6,636,854 B2) in view of Yau et al. (hereinafter Yau, US 2002/0066026 A1), further in view of Araujo (US 6,393,488 B1), further in view of Oguchi et al. (hereinafter Oguchi, US 6,304,912 B1), and further in view of Lopke (US 6,553,310 B1).

As per claims 42 and 43, they do not teach or further define over the limitations in claims 11 and 12, respectively. Therefore claims 42 and 43 are rejected for the same reasons as set forth in claims 11 and 12, respectively.

Additional References

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Scott et al., US 2002/0049760 A1: Accessing Information in P2P network.
- b. Nye, Us 2002/0156917 A1: P2P Network.
- c. Marmor et al., US 2002/0062310 A1: Peer-to-Peer Commerce System.
- d. Molitor, US 6,661,799: Method for facilitating P2P application communication.

Conclusion

Please Note: The teachings of the prior art should not be restricted and/or limited to the citations by columns and line numbers, as specified in the rejection. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in its entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner, in order to move prosecution forward.

In the case of amendments, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and support, for ascertaining the metes and bounds of the claimed invention.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to KAMAL B. DIVECHA whose telephone number is 571-272-5863. The examiner can normally be reached on Increased Flex Work Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kamal Divecha/

Kamal Divecha
Art Unit 2151
October 29, 2007.

 JOHN FOLLANSBEE
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